

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

DON JUAN STAPLES, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00526

JAKE NAVARRO, et al.,

Defendants.

ORDER

Pending before the court are four motions: (1) Defendant Jake Navarro's Motion to Dismiss, [ECF No. 34], (2) Plaintiff, Don Juan Staples, Jr.'s Motion for Entry of Default, [ECF No. 36], (3) Defendant Andrew McDavid's Motion to Dismiss, [ECF No. 38], and (4) Defendant Steve Coyne's Motion to Dismiss, [ECF No. 40]. Plaintiff filed a response to the dismissal motions on June 20, 2023, [ECF Nos. 44, 45], and Defendants timely replied, [ECF Nos. 48, 49].

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On February 13, 2024, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations ("PF&R"), [ECF No. 55], and recommended that the court **GRANT** Defendants' motions, **DENY as moot** Plaintiff's motion, and **DISMISS** this action from the court's docket. The parties had until March

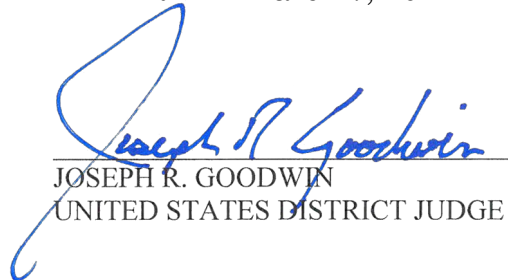
1, 2024, to file written objections to the PF&R. No party timely filed objections or sought an extension of time to do so.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court, therefore, **GRANTS** Defendants’ respective Motions to Dismiss, [ECF Nos. 34, 38, 40], **DENIES** as moot Plaintiff’s Motion for Entry of Default, [ECF No. 36], and **DISMISSES** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 7, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE